UNITED NATIONS

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ENGLISH

Forty-sixth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE 63rd MEETING

Held at Headquarters, New York,
on Thursday, 5 December 1991, at 10 a.m.

President:	Mr. SHIHABI	(Saudi Arabia)
later:	Mr. TRAXLER (Vice-President)	(Italy)

- Election of a member of the International Court of Justice [15 (c)]

  (a) Memorandum by the Secretary-General

  (b) List of candidates

  (c) Curricula vitae

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The meeting was called to order at 10:10 a.m.

AGENDA ITEM 15 (c)

ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE:

(a) MEMORANDUM BY THE SECRETARY-GENERAL (A/46/630-S/23227)

(b) LIST OF CANDIDATES (A/46/706-S/23243)

(c) CURRICULA VITAE (A/46/707-S/23244)

The PRESIDENT: In accordance with resolution 708 (1991) adopted by the Security Council on 28 August 1991, the General Assembly will proceed this morning to the election of a member of the International Court of Justice for the unexpired term of office of Judge Taslim Olawale Elias of Nigeria, who is deceased.

In connection with this election, I should like to bring the following matters to the attention of the members of the General Assembly:

First, in accordance with General Assembly resolution 264 (III), a State which is a Party to the Statute of the International Court of Justice but not a Member of the United Nations shall participate, in the General Assembly, in electing the members of the Court in the same manner as the States Members of the United Nations. On this occasion, I am happy to welcome here the representatives of Nauru, San Marino and Switzerland.

Secondly, I should like to confirm that at this time the Security Council, independently of the General Assembly, is also proceeding to elect one member of the Court. This procedure is in accordance with Article 8 of the Statute of the Court, which provides:

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

(The President)

Accordingly, the results of the voting in the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

Thirdly, I should like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it document A/46/630-S/23227, which contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; document A/46/706-S/23243, which contains the list of candidates that have been nominated by national groups within the required time for submission - that is, by 28 November 1991; and document A/46/707-S/23244, which contains the curricula vitae of the candidates nominated by national groups.

Fourthly, in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected. For the present election, 85 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot.

If in the first ballot no candidate obtains an absolute majority, it will be necessary to proceed to other ballots until a candidate has obtained that majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, on 16 November 1960, these ballots shall be unrestricted.

(The President)

Representatives are requested to use only the ballot papers now being distributed and to place a cross to the left of the name of the one candidate for whom they wish to vote. Ballot papers on which more than one name is marked will be considered invalid. Votes may be cast only for those whose names appear on the ballot papers.

At the invitation of the President, Mr. Cornejo (Chile), Mr. Lahdevirta (Finland), Mr. Manjate (Mozambique), Miss Arquillas (Philippines) and Mr. Eltchenko (Ukraine) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 10.30 a.m. and resumed at 11.10 a.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	164
Number of invalid ballots:	0
Number of valid ballots:	164
Abstentions:	0
Number of members voting:	164
Required absolute majority:	85
Number of votes obtained:	
Mr. Bola Ajibola (Nigeria)	83
Mr. Samuel K. B. Asante (Ghana)	57
Mr. Frank Xavier Njenga (Kenya)	13
Mr. Francis Muzingu Ssekandi (Uganda)	11

The PRESIDENT: Since no candidate has obtained an absolute majority, the Assembly will proceed to another unrestricted ballot to fill the vacancy.

Once again I would remind members that the name of only one candidate should be marked with a cross. Any ballot paper on which more than one name is marked will be considered invalid. Votes may be cast only for those candidates whose names appear on the ballot papers.

At the invitation of the President, Mr. Cornejo (Chile), Mr. Lahdevirta (Finland), Mr. Manjate (Mozambique), Miss Arguillas (Philippines) and Mr. Eltchenko (Ukraine) acted as tellers.

A vote was taken by secret ballot.*

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*Mr. Traxler (Italy), Vice-President, took the Chair.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

The PRESIDENT: The result of the voting is as follows:

Number of ballot papers:	163
Number of invalid ballots:	0
Number of valid ballots:	163
Abstentions:	0
Number of members voting:	163
Required absolute majority:	85
Number of votes obtained:	
Mr. Bola Ajibola (Nigeria)	94
Mr. Samuel K. B. Asante (Ghana)	55
Mr. Francis Muzingu Ssekandi (Uganda)	9
Mr. Frank Xavier Njenga (Kenya)	5

The PRESIDENT: Mr. Bola Ajibola of Nigeria has obtained an absolute majority in the General Assembly. I have communicated the result of the vote to the President of the Security Council.

I have received from the President of the Security Council the following letter:

"I have the honour to inform you that at the 3021st meeting of the Security Council, held on 5 December 1991, for the purpose of electing a member of the International Court of Justice for a term of office to expire on 5 February 1994, Mr. Bola Ajibola obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, Mr. Bola Ajibola of Nigeria, having obtained an absolute majority in both organs, is therefore duly elected a member of the International Court of Justice for a term of office expiring on

(The President)

5 February 1994. I take this opportunity to extend to him the Assembly's congratulations on his election and to thank the tellers for their assistance.

We have thus concluded our consideration of agenda item 15 (c).

The meeting rose at 12 noon